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(Original Signature of Member)

109TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To strengthen aviation security.

\_\_\_\_\_

IN THE HOUSE OF REPRESENTATIVES

Mr. MARKEY introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_

**A BILL**

To strengthen aviation security.

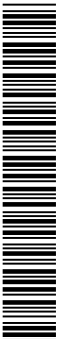
1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthen Aviation  
5 Security Act”.

6 **SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PAS-**  
7 **SENGER AIRCRAFT.**

8 Section 44901 of title 49, United States Code, is  
9 amended—



1           (1) by redesignating subsections “(g)” and  
2           “(h)” as subsections “(h)” and “(i)”, respectively;  
3           and

4           (2) by inserting after subsection (f) the fol-  
5           lowing:

6           “(g) Air Cargo on passenger aircraft—

7           “(1) IN GENERAL.—Not later than 3 years  
8           after the date of enactment of the Strengthen Avia-  
9           tion Security Act, the Secretary of Homeland Secu-  
10          rity shall establish a system to inspect 100 percent  
11          of the cargo transported on passenger aircraft to en-  
12          sure the security of all passenger aircraft carrying  
13          cargo operated by an air carrier or foreign air car-  
14          rier in air transportation or intrastate air transpor-  
15          tation.

16          “(2) MINIMUM STANDARDS.—The system re-  
17          ferred to in paragraph (1) shall, at a minimum, re-  
18          quire that—

19                 “(A) equipment, technology, and personnel  
20                 meets the same standards established to inspect  
21                 passenger baggage;

22                 “(B) 35 percent of cargo carried on pas-  
23                 senger aircraft is inspected by the end of fiscal  
24                 year 2006;



1           “(C) 65 percent of cargo carried on pas-  
2           senger aircraft is inspected by the end of fiscal  
3           year 2007; and

4           “(D) 100 percent of cargo carried on pas-  
5           senger aircraft is inspected by the end of fiscal  
6           year 2008.

7           “(3) REPORT.—Not later than 1 year after the  
8           date of enactment of the Strengthen Aviation Secu-  
9           rity Act, the Secretary shall transmit to Congress a  
10          report that describes the system established pursu-  
11          ant to paragraph (1).”.

12   **SEC. 3. REPORT ON KNOWN SHIPPING COMPANIES.**

13          Not later than the 180th day following the date of  
14          establishment of the database of known shipping compa-  
15          nies being established by the Department of Homeland Se-  
16          curity, the Secretary of Homeland Security shall transmit  
17          to Congress a report on the number of known shipping  
18          companies in the database, the number of known shipping  
19          companies for whom the Transportation Security Admin-  
20          istration has conducted physical inspections of facilities  
21          and paperwork of such companies to determine compliance  
22          with security regulations that apply to those companies,  
23          the number of companies that have applied to the Sec-  
24          retary for known shipping company status and been de-  
25          nied, and the number of known shipping companies that



1 have been removed from the database as a result of find-  
2 ings by the Administration that such companies have  
3 failed to comply with appropriate security regulations.

4 **SEC. 4. TRAINING PROGRAMS.**

5 (a) IN GENERAL.—For the purposes of deploying  
6 Federal law enforcement officers not part of the Federal  
7 Air Marshal Service as alternative security personnel on  
8 commercial aircraft—

9 (1) the Secretary of Homeland Security, not  
10 later than the 90th day following the date of enact-  
11 ment of this Act, shall establish—

12 (A) training standards that all Federal law  
13 enforcement officers must meet in order to re-  
14 spond appropriately as law enforcement profes-  
15 sionals to incidents aboard aircraft; and

16 (B) procedures by which law enforcement  
17 personnel, authorized to carry a firearm or oth-  
18 erwise prohibited items aboard a passenger  
19 commercial aircraft may do so without indi-  
20 cating, to the greatest extent practicable, either  
21 deliberately or accidentally such personnel's sta-  
22 tus to other passengers; and

23 (2) the head of the Federal Air Marshal Serv-  
24 ice, in determining on which flights to place one or  
25 more Federal air marshals, shall—



1 (A) have access to information on whether  
2 Federal law enforcement officers meeting the  
3 training standards established under paragraph  
4 (1) are scheduled to travel on commercial  
5 flights; and

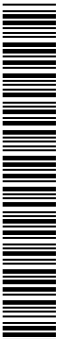
6 (B) not substitute Federal law enforcement  
7 officers that have not met such training stand-  
8 ards established by the Federal Air Marshal  
9 Service.

10 (b) WAIVER.—The Secretary may waive the require-  
11 ment of subsection (a)(2)(B) for not to exceed 6 months  
12 after the 90th day referred to in subsection (a) if nec-  
13 essary for security purposes.

14 (c) REPORT.—The Secretary shall transmit to Con-  
15 gress a report on the timeline for providing training re-  
16 quired to carry out subsection (a)(2) and any additional  
17 resources needed to implement this section.

18 **SEC. 5. FEDERAL AIR MARSHALS.**

19 The Secretary of Homeland Security shall ensure the  
20 deployment of Federal air marshal officers on flights of  
21 all-cargo air transportation for which the Secretary of  
22 Homeland Security determines there to be sufficient risk  
23 of terrorist activity.



1   **SEC. 6. FLIGHT COMMUNICATIONS.**

2           (a) IN GENERAL.—Section 4021 of the Intelligence  
3 Reform and Terrorism Prevention Act of 2004 (Public  
4 Law 108–458) is amended by adding at the end the fol-  
5 lowing:

6           “(d) FLIGHT COMMUNICATION.—To expand the pur-  
7 poses of the study under subsection (a), not later than  
8 180 days after the date of enactment of this subsection,  
9 the Assistant Secretary shall conduct a study on the viabil-  
10 ity of devices to enable discreet, wireless communications  
11 between flight attendants, pilots, Federal air marshals,  
12 and ground-based personnel during a passenger commer-  
13 cial aircraft flight to improve coordination of planning and  
14 activities in the event of an act of terrorism and transmit  
15 to Congress a report on the results of the study conducted  
16 under this subsection.”.

17           (b) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as may be  
19 necessary to carry out section 4021(d) of the Intelligence  
20 Reform and Terrorism Prevention Act of 2004.

21   **SEC. 7. COMPREHENSIVE PREFLIGHT SCREENING.**

22           (a) STUDY.—

23           (1) IN GENERAL.—The Secretary shall conduct  
24 a study to assess the current training provided to in-  
25 dividuals who perform preflight security inspections  
26 and to identify areas for improvement in such in-



1       spections and training and make recommendations  
2       regarding improving such inspections and training.

3           (2) REPORT.—Not later than 180 days after  
4       the date of enactment of this Act, the Secretary  
5       shall transmit to Congress a report on the results of  
6       the study.

7       (b) REGULATIONS.—

8           (1) ISSUANCE.—Not later than 90 days after  
9       the date of transmission of the reports under sub-  
10      section (a), the Secretary of Homeland Security  
11      shall issue regulations to improve preflight screening  
12      of passenger aircraft for dangerous objects and  
13      training of screeners of passenger aircraft and to re-  
14      duce the time between preflight screening and the  
15      departure time for a flight.

16          (2) SPECIFIC REQUIREMENTS.—The regulations  
17      shall—

18           (A) require individuals who perform the  
19      preflight security sweeps through the passenger  
20      cabin and lavatories of passenger aircraft and  
21      who are not members of the flight or cabin crew  
22      to be physically screened for metallic objects,  
23      have their personal bags inspected for prohib-  
24      ited items such as chemical, biological, radio-  
25      logical, or nuclear materials, be subject to



1 criminal history background checks, social secu-  
2 rity checks, and checks against all terrorist  
3 watch lists maintained by the Government; and  
4 (B) incorporate the recommendations con-  
5 tained in the report transmitted under sub-  
6 section (a).

7 **SEC. 8. FLIGHT ATTENDANT TRAINING.**

8 The Secretary of Homeland Security, in consultation  
9 with the Administrator of the Federal Aviation Adminis-  
10 tration, shall finalize the development of a mandatory  
11 basic security training program for flight attendants and  
12 shall begin administration of the training program not  
13 later than 30 days after the date of enactment of this Act.

14 **SEC. 9. SECURING COCKPIT DOORS.**

15 (a) CARGO AIRCRAFT.—Not later than 180 days  
16 after the date of enactment of this Act, the Secretary of  
17 Homeland Security shall—

18 (1) issue an order—

19 (A) requiring any aircraft engaged in cargo  
20 air transportation or intrastate air transpor-  
21 tation to have, not later than one year after the  
22 date of issuance of such order, a door (and sur-  
23 rounding partition) between the cargo and pilot  
24 compartments that can be locked and cannot be  
25 forced open from the cargo compartment;





1 (B) prohibiting access to the flight deck of  
2 aircraft engaged in cargo air transportation or  
3 intrastate air transportation, except by author-  
4 ized persons; and

5 (C) requiring that such flight deck doors  
6 remain locked while any such aircraft is in  
7 flight except when necessary to permit access  
8 and egress by authorized persons; and

9 (2) take such other action, including modifica-  
10 tion of safety and security procedures and flight  
11 deck redesign, as may be necessary to ensure the  
12 safety and security of the aircraft.

13 (b) PASSENGER AIRCRAFT.—The Secretary shall  
14 issue an order to modify requirements imposed pursuant  
15 to section 104 of the Aviation and Transportation Security  
16 Act (49 U.S.C. 44903 note; 115 Stat. 605) to ensure that  
17 the wall surrounding the flight deck door on any aircraft  
18 engaged in passenger air transportation or intrastate air  
19 transportation is sufficient to secure the cockpit.

20 (c) GRANTS.—The Secretary may make grants or  
21 other agreements with air carriers (including intrastate air  
22 carriers) to assist such carriers in complying with the or-  
23 ders issued under this section.



1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this section.

4 **SEC. 10. SECURITY REQUIREMENTS FOR GENERAL AVIA-**  
5 **TION.**

6 (a) NO FLY ZONES.—The Secretary of Homeland  
7 Security—

8 (1) shall establish for the duration of any high  
9 threat level announced by the Secretary; and

10 (2) may establish for the duration of any other  
11 threat level that is announced by the Secretary and  
12 that the Secretary determines appropriate, no fly  
13 zones around sensitive nuclear facilities, chemical fa-  
14 cilities identified by the Administrator of the Envi-  
15 ronmental Protection Agency at which a release of  
16 the facility's hazardous materials could threaten the  
17 health of more than 1,000,000 people, and any other  
18 facilities the Secretary may designate.

19 (b) VULNERABILITY ASSESSMENTS.—The Secretary  
20 shall—

21 (1) require the operators of airports that serve  
22 general aviation aircraft and landing facilities for  
23 such aircraft to complete vulnerability assessments  
24 developed by the Secretary for evaluation of the  
25 physical security of such airports and facilities and



1 of procedures, infrastructure, and resources used  
2 with respect to such airports and facilities; and

3 (2) develop a plan for addressing vulnerabilities  
4 identified by such assessments not later than the  
5 365th day following the date of enactment of this  
6 Act.

7 (c) USE OF IMMOBILIZING DEVICES; RECORDS  
8 CHECKS.—The Secretary shall require airports that serve  
9 operators of general aviation aircraft—

10 (1) to require that all general aviation aircraft,  
11 while parked at such airports, are secured by a visi-  
12 ble immobilizing device (such as a prop lock); and

13 (2) to ensure that any individual with access to  
14 a general aviation aircraft at such airport is subject  
15 to a social security check, a check of immigration  
16 status, a check against all terrorist watch lists main-  
17 tained by the Government, and a background check  
18 comparable to a background check required under  
19 section 44936 of title 49, United States Code.

20 (d) DEFINITION.—In this section, the following defi-  
21 nitions apply:

22 (1) HIGH THREAT.—The term “high threat”  
23 means an announcement by the Department of  
24 Homeland Security of a terrorist threat level of code



1 orange or above or an equivalent designation of any  
2 successor threat advisory system of the Department.

3 (2) SENSITIVE NUCLEAR FACILITY.—The term  
4 “sensitive nuclear facility” means—

5 (A) a commercial nuclear power plant and  
6 associated spent fuel storage facility;

7 (B) a decommissioned nuclear power plant  
8 and associated spent fuel storage facility;

9 (C) a category I fuel cycle facility;

10 (D) a gaseous diffusion plant; and

11 (E) a Department of Energy nuclear weap-  
12 ons materials production, processing, storage,  
13 or research facility.

14 (3) SOCIAL SECURITY CHECK.—The term “so-  
15 cial security check” means a check on the validity of  
16 the social security number of an individual and a  
17 verification that the number is assigned to the indi-  
18 vidual.

19 **SEC. 11. CONTROL OVER ACCESS TO SECURED AREAS OF**  
20 **AIRPORTS.**

21 (a) AIRPORT PERIMETER ACCESS SECURITY.—Sub-  
22 title A of title IV of the Homeland Security Act of 2002  
23 (6 U.S.C. 201 et seq.) is amended by adding at the end  
24 the following:



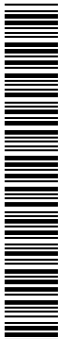
1   **“SEC. 404. ACCESS SECURITY.**

2           “(a) AIRPORT PERIMETER.—Not later than 180 days  
3 after the date of the enactment of this section, the Sec-  
4 retary shall issue regulations—

5               “(1) to improve control over access to the se-  
6 cure area of each airport in the United States de-  
7 scribed in section 44903(c) of title 49, United States  
8 Code; and

9               “(2) to prohibit any entity (other than an oper-  
10 ator of such an airport) from issuing a security  
11 badge to provide escorted or unescorted access to the  
12 secure area of such airport, subject to such excep-  
13 tions as the Secretary may establish, by regulation,  
14 for Federal, State, and local governments and for  
15 employees of air carriers.

16           “(b) BACKGROUND CHECKS FOR AIRPORT WORK-  
17 ERS.—An individual employed in, or applying for, a posi-  
18 tion described in section 44936 of title 49, United States  
19 Code, or a position as an aircraft maintenance or catering  
20 worker, aircraft cargo handler, aircraft worker with access  
21 to an aircraft ramp, aircraft support facilities worker, or  
22 employee of an airport vendor whether having escorted or  
23 unescorted access to an aircraft or a secure area of an  
24 airport, shall be subject to a social security check, a check  
25 of immigration status, and a check against all terrorist



1 watch lists maintained by the Government in addition to  
2 a background check required by such section.

3 “(c) SOCIAL SECURITY CHECK DEFINED.—In this  
4 section, the term ‘social security check’ means a check on  
5 the validity of the social security number of an individual  
6 and a verification that the number is assigned to the indi-  
7 vidual.”.

8 (b) SCREENING OF AIRPORT WORKERS USING  
9 METAL DETECTORS.—Section 44903(h)(4)(B) of title 49,  
10 United States Code, is amended by inserting before the  
11 semicolon at the end the following: “, including, at a min-  
12 imum, requiring each of such individuals to be physically  
13 screened for metallic objects and to have their personal  
14 bags inspected for prohibited items, such as chemical, bio-  
15 logical, radiological, and nuclear materials, each time that  
16 individual enters a secure area of the airport”.

17 **SEC. 12. WHISTLEBLOWER PROTECTION.**

18 (a) IN GENERAL.—No covered individual involved in  
19 aviation security, including employees of the Transpor-  
20 tation Security Administration, may be discharged, de-  
21 moted, suspended, threatened, harassed, or in any other  
22 manner discriminated against because of any lawful act  
23 done by the person—

24 (1) to provide information, cause information to  
25 be provided, or otherwise assist in an investigation



1        regarding any conduct which the person reasonably  
2        believes constitutes a violation of any law, rule or  
3        regulation related to aviation security or any other  
4        threat to aviation security when the information or  
5        assistance is provided to or the investigation is con-  
6        ducted by—

7                (A) a Federal regulatory or law enforce-  
8                ment agency;

9                (B) any Member of Congress or any com-  
10                mittee of Congress; or

11                (C) a person with supervisory authority  
12                over the covered individual (or such other per-  
13                son who has the authority to investigate, dis-  
14                cover, or terminate misconduct);

15                (2) to file, cause to be filed, testify, participate  
16        in, or otherwise assist in a proceeding or action filed  
17        or about to be filed relating to a violation of any  
18        law, rule or regulation related to the security of pas-  
19        senger airlines or any other threat to the security of  
20        passenger airlines; or

21                (3) to refuse to violate or assist in the violation  
22        of any law, rule, or regulation related to the security  
23        of passenger airlines.

24        (b) ENFORCEMENT ACTION.—



1 (1) IN GENERAL.—A covered individual who al-  
2 leges discharge or other discrimination by any per-  
3 son in violation of subsection (a) may seek relief  
4 under subsection (c), by—

5 (A) filing a complaint with the Secretary of  
6 Labor; or

7 (B) if the Secretary has not issued a final  
8 decision within 180 days of the filing of the  
9 complaint and there is no showing that such  
10 delay is due to the bad faith of the claimant,  
11 bringing an action at law or equity for de novo  
12 review in the appropriate district court of the  
13 United States, which shall have jurisdiction  
14 over such an action without regard to the  
15 amount in controversy.

16 (2) PROCEDURE.—

17 (A) IN GENERAL.—An action under para-  
18 graph (1)(A) shall be governed under the rules  
19 and procedures set forth in section 42121(b) of  
20 title 49, United States Code.

21 (B) EXCEPTION.—Notification made under  
22 section 42121(b)(1) of title 49, United States  
23 Code, shall be made to the person named in the  
24 complaint and to the person's employer.





1 (C) BURDENS OF PROOF.—An action  
2 brought under paragraph (1)(B) shall be gov-  
3 erned by the legal burdens of proof set forth in  
4 section 42121(b) of title 49, United States  
5 Code.

6 (D) STATUTE OF LIMITATIONS.—An action  
7 under paragraph (1) shall be commenced not  
8 later than 90 days after the date on which the  
9 violation occurs.

10 (c) REMEDIES.—

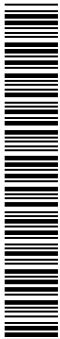
11 (1) IN GENERAL.—A covered individual pre-  
12 vailing in any action under subsection (b)(1) shall be  
13 entitled to all relief necessary to make the covered  
14 individual whole.

15 (2) COMPENSATORY DAMAGES.—Relief for any  
16 action under paragraph (1) shall include—

17 (A) reinstatement with the same seniority  
18 status that the covered individual would have  
19 had, but for the discrimination;

20 (B) the amount of any back pay, with in-  
21 terest; and

22 (C) compensation for any special damages  
23 sustained as a result of the discrimination, in-  
24 cluding litigation costs, expert witness fees, and  
25 reasonable attorney fees.



1 (d) RIGHTS RETAINED BY COVERED INDIVIDUAL.—  
2 Nothing in this section shall be deemed to diminish the  
3 rights, privileges, or remedies of any covered individual  
4 under any Federal or State law, or under any collective  
5 bargaining agreement.

6 (e) DEFINITIONS.—In this section, the following defi-  
7 nitions apply:

8 (1) COVERED INDIVIDUAL.—The term “covered  
9 individual” means a Federal employee as defined in  
10 section 2105 of title 5, United States Code, any em-  
11 ployee of a Federal contractor or subcontractor, or  
12 any employee of a business entity.

13 (2) LAWFUL.—The term “lawful” means not  
14 specifically prohibited by law and if such information  
15 is not specifically required by Executive order to be  
16 kept secret in the interest of national defense or the  
17 conduct of foreign affairs. If communication of oth-  
18 erwise covered information is specifically prohibited  
19 by law and if such information is required by Execu-  
20 tive order to be kept secret in the interest of na-  
21 tional defense or the conduct of foreign affairs, it  
22 may be communicated to any—

23 (A) Member of Congress or committee of  
24 Congress; or



1 (B) any other recipient who is authorized  
2 to receive such information.

3 (3) FEDERAL CONTRACTOR.—The term “Fed-  
4 eral contractor” means a person who has entered  
5 into a contract with the United States.

6 (4) EMPLOYEE.—The term “employee” means  
7 any officer, partner, employee, or agent.

8 (5) SUBCONTRACTOR.—The term  
9 “subcontractor”—

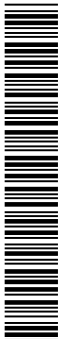
10 (A) means any person, other than the Fed-  
11 eral contractor, who offers to furnish or fur-  
12 nishes any supplies, materials, equipment, or  
13 services of any kind under a Federal contract  
14 or a subcontract entered into in connection with  
15 such Federal contract; and

16 (B) includes any person who offers to fur-  
17 nish or furnishes general supplies to the Fed-  
18 eral contractor or a higher tier subcontractor.

19 (6) PERSON.—The term “person” means a cor-  
20 poration, partnership, State entity, business associa-  
21 tion of any kind, trust, joint-stock company, or indi-  
22 vidual.

23 **SEC. 13. AIRPORT SCREENING.**

24 (a) FINDINGS.—Congress finds that—



1           (1) a Federal workforce of passenger and bag-  
2           gage screeners is more responsive to the public than  
3           the private sector;

4           (2) a recent poll indicates that a majority of re-  
5           spondents feel better protected by a Federal work-  
6           force of passenger and baggage screeners than by a  
7           screener workforce employed by a private company;

8           (3) section 44920 of title 49, United States  
9           Code, explicitly permits the Transportation Security  
10          Administration to accept applications from airport  
11          operators seeking to “opt out” of a Federal screen-  
12          ing workforce;

13          (4) the Transportation Security Administration  
14          has issued a directive prohibiting the Federal airport  
15          security screener workforce from the right to collec-  
16          tively bargain;

17          (5) the Transportation Security Administration  
18          has issued guidance that would provide the  
19          privatized screener workforce the right to join a  
20          union and collectively bargain with their employer;  
21          and

22          (6) a reversion to private company performance  
23          of screener functions could reduce safety and erode  
24          confidence in the Federal Government’s ability to



1 protect citizens from acts of terrorism, and, there-  
2 fore, not be in the public interest.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) all airport screening functions should con-  
6 tinue to be performed by Federal employees; and

7 (2) all employees of the Transportation Security  
8 Administration, including Federal airport screeners,  
9 should be permitted to engage in collective bar-  
10 gaining and be represented in collective bargaining  
11 by a representative or organization of their choosing.

12 **SEC. 14. NO-FLY LIST.**

13 (a) FINDINGS.—Congress finds that—

14 (1) aircraft passenger information currently is  
15 transmitted from air carriers to the Department of  
16 Homeland Security for comparison against a Gov-  
17 ernment maintained watch list after departure of  
18 international flights flying to or from the United  
19 States;

20 (2) the diversion to Bangor, Maine, of an Air  
21 France flight scheduled to travel from Paris,  
22 France, to Boston, Massachusetts, on May 12, 2005,  
23 and the diversion to Bangor, Maine of an Alitalia  
24 flight scheduled to travel from Milan, Italy, to Bos-  
25 ton, Massachusetts, on May 19, 2005, occurred



1       when, in the first instance, a passenger name was  
2       mistakenly considered to match a name on the  
3       watchlist and, in the second instance, a passenger  
4       name matched a name on the watchlist;

5           (3) in both cases, the flights already had de-  
6       parted the airports when the comparison with the  
7       watchlist occurred;

8           (4) departure of international flights from air-  
9       ports before passenger information has been com-  
10      pared against the watchlist maintained by the Fed-  
11      eral Government is a serious security loophole that  
12      could enable a known terrorist to board, travel on,  
13      and hijack an international flight en route to or de-  
14      parting from the United States;

15          (5) the Intelligence Reform and Terrorism Pre-  
16      vention Act of 2004 (P.L. 108–458) mandated that  
17      the Secretary of Homeland Security, not later than  
18      60 days after the date of enactment of that Act,  
19      issue a notice of proposed rulemaking that would  
20      allow the Department to compare passenger infor-  
21      mation for any international flight to or from the  
22      United States against the consolidated and inte-  
23      grated terrorist watchlist maintained by the Federal  
24      Government before departure of the flight; and



1           (6) the Department did not issue the notice of  
2           proposed rulemaking by February 2005, the dead-  
3           line specified in that Act.

4           (b) SENSE OF CONGRESS.—It is the sense of Con-  
5           gress that—

6           (1) the Secretary of Homeland Security should  
7           actively pursue the resolution of all issues that have  
8           delayed the implementation of the mandate to check  
9           passenger information against the Government  
10          maintained watchlist before departures of inter-  
11          national flights to or from the United States;

12          (2) the Secretary should promptly issue the re-  
13          quired notice of proposed rulemaking to enable the  
14          comparison of passenger information against the  
15          Government maintained terrorist watchlist prior to  
16          departure of international flights to or from the  
17          United States; and

18          (3) until such time as the Secretary has issued  
19          the notice of proposed rulemaking, the Secretary  
20          should provide Congress with periodic reports that  
21          describe the progress of the Department of Home-  
22          land Security in resolving issues that have delayed  
23          implantation of this mandate and explain when the  
24          Department expects to issue the notice.

